

FIRST APPEAL NOS. 5/96 TO 28/96

CORAM ; N.J. PANDYA & A.R. DAVE, JJ
10.04.1996

Mr. M.R.Anand, learned GP with Mr. A.J.Desai, learned AGP for the Appellants

ORAL COMMON ORDER :

These appeals arise out of a judgment of the District Judge, Banaskantha District at Palanpur given on 6.4.1993 in connection with the Land References made with regard to the land acquired for Sipu Irrigation Project in Dhanera Taluka of Banaskantha District.

Sec.4 notification is of 20.3.1986 and after completing formalities, Land Acq.Officer gave his award. Being dissatisfied with the same, claimants filed References which were numbered as Land Reference Case Nos. 22/91 to 45/91 in the Court of the learned District Judge, Banaskantha at Palanpur.

By the said judgment, learned Judge was pleased to allow the additional compensation at the rate of Rs. 35,000/- per Hectare i.e. Rs. 3.50 per meter. As against that, Land Acq.Officer had awarded Rs. 5,500/ per Acre for irrigated land and Rs. 3,500/ for non-irrigated land.

On the face of it, there would appear to be a good case for appeal, but there is already a decision of this court given in connection with Sipu Irrigation Project itself where sec.4 notification was dated 11.9.1980. Group of appeals dealt with by the Division Bench consisting of Hon'ble Mr.Justice B.N. Kirpal, the then Chief Justice of this Court witting with hon'ble Mr.Justice A.N.Divecha and by the judgment dated 1.2.1995, the judgment of the Jt. District Judge awarding Rs. 25,000/ per Hectare was confirmed.

If Rs. 25,000/ awarded in respect of 1980 notification is thus confirmed, for the notification of 1986, the said increase to the extent of Rs. 35,000/, in our opinion, is quite justified. In other words, the increase of about 40% is justified for a due passage of time of almost six years in view of the aforesaid judgment in FA No. 692/94 rendered by the Division Bench of this Court on 1.2.1995.

Hence, we do not entertain these appeals and reject the same at the admission stage.

10.4.1996 [N.J.PANDYA, J]

[A.R. DAVE, J]